

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

3taps, Inc.,
Plaintiff,
vs.
LinkedIn Corporation,
Defendant.

Case No. 18-cv-00855-EMC

**[PROPOSED] ORDER GRANTING
DEFENDANT LINKEDIN'S MOTION
TO DISMISS**

Judge: Hon. Edward M. Chen
Hearing Date: April 7, 2022
Hearing Time: 1:30 p.m.
Ctrm: Courtroom 5
Trial Date: None Set

1 On December 7, 2021, Defendant LinkedIn Corporation (“LinkedIn”) moved to dismiss
2 the Amended Complaint of Plaintiff 3taps, Inc. (“3taps”) in this action. Having reviewed and
3 considered the parties’ written submissions and arguments, as well as the other related papers and
4 pleadings on file herein, and finding good cause appearing, the Court hereby GRANTS
5 Defendant’s Motion to Dismiss.

6 Plaintiff’s Amended Complaint presents claims for declaratory relief regarding the
7 Computer Fraud and Abuse Act, California Penal Code Section 502, and California common law
8 trespass. The Court finds that Plaintiff’s Amended Complaint must be dismissed because there is
9 no Article III case or controversy between the parties and, as such, no subject matter jurisdiction.
10 First, 3taps alleges no concrete harm, the hallmark requirement of standing to maintain suit.
11 Second, there is no actual case or controversy between 3taps and LinkedIn because there is no
12 ripe dispute; 3taps’s Complaint improperly presents a request for an advisory opinion.

13 Further, even if subject matter jurisdiction exists, I exercise my discretion to dismiss this
14 declaratory relief action. 3taps misrepresented the nature of this purported dispute in order to
15 avoid another judge of this Court and should not be permitted to maintain this action in equity in
16 light of its conduct.

17 Accordingly, IT IS HEREBY ORDERED THAT, for the reasons explained above,
18 LinkedIn’s Motion to Dismiss is GRANTED. 3taps’s claims against LinkedIn are hereby
19 DISMISSED.

20
21 **IT IS SO ORDERED.**

22
23 DATED: _____

By: _____

24 HON. EDWARD M. CHEN
25 UNITED STATES DISTRICT JUDGE